IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 14719 of 2004

Between:

1 Jayachand Korra, S/o Swami Naik,
2 Azmeera Usha Devi, W/o Jayachand Korra,
(Both are Residents of Flat No. 502, Malaya II, V Floor,
Molugu Jaya Bharathi Gardens,Kukatpally,
Y. Junction, Kukatpally, Hyderabad).

..... PETITIONERS

AND

1 Authorised Officer, Can Fin Homes Ltd, (CFHL),
29/1, I Floor, Sir M.N. Krishna Rao Road,
Basavanagudi,
Bangalore - 560 004.
2 District Collector, Ranga Reddy District, Lakdikapool,
Hyderabad.

3 Mandal Revenue Officer, Balanagar Mandal, Balanagar, Hyderabad, Ranga Reddy District.
4 Mandal Revenue Inspector, Balanagar Mandal, Balanagar, Hyderabad, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents herein in threatening to dispossess the petitioners from their Flat bearing No. 502 in Malaya II, in Fifth Floor, Molugu Jayabharathi Gardens, Kukkatpally, Ranga Reddy District, without issuance of any notice or proceedings in that regard, as arbitrary, illegal , contrary to law and violative of Articles 14, 19 , 21 and 300A of the Constitution of India as well as violative of provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and consequently direct the respondents herein not to interfere with the petitioners peaceful possession and enjoying over the said Flat

Counsel for the Petitioners : MR.K.G.SURENDRANATH YADAV

Counsel for the Respondent No.1 : ------

Counsel for the respondent Nos.2 to 4: G.P. for Revenue.

The Court at the admission stage made the following:

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1. Petitioners state that their appeal in S.A.No.86 of 2004 is pending before the Debts Recovery Tribunal, Hyderabad, along with application for stay. Pending the said appeal and stay application, petitioners' possession is sought to be disturbed by respondents.

2. Grievance made by the petitioners before us can as well be made before the Debts Recovery Tribunal, Hyderabad. With leave and liberty granted to the petitioners, writ petition is dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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C.V. RAMULU. J.,

Dated: 19.08.2004.

VRK.

To

1 The Authorised Officer, Can Fin Homes Ltd, (CFHL),
29/1, I Floor, Sir M.N. Krishna Rao Road,
Basavanagudi,
Bangalore - 560 004.
2 The District Collector, Ranga Reddy District,
Lakdikapool, Hyderabad.
3 The Mandal Revenue Officer, Balanagar Mandal,
Balanagar, Hyderabad, Ranga Reddy District.
4 The Mandal Revenue Inspector, Balanagar Mandal,
Balanagar, Hyderabad, Ranga Reddy District.

5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 14719 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 19.08.2004.